IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 10275 of 2004

Between:

KUMARI KRISHNA S/O. K. RAMUDU,
RAMAKRISHNAPURAM VILL, PEAPULLY MANDAL, DHONE TALUQ, KURNOOL DISTRICT.

..... PETITIONER

AND

1. THE SUPERINTENDENT OF POLICE, KURNOOL DISTRICT,

KURNOOL.
2 THE DY. SUPERINTENDENT OF POLICE, DHONE, KURNOOL

DISTRICT.
3 THE CIRCLE INSPECTOR OF POLICE, PEAPULLY POLICE

STATION, KURNOOL DISTRICT.
4 THE STATION HOUSE OFFICER, JALADURGAM P.S., KURNOOL

DISTRICT.
5 KOMITI DHANUNJAYUDU S/O. SUBRAHMANYAM,
AGED ABOUT 35 YEARS, R/O.RAMAKRISHNAPURAM

VILLAGE, PEAPULLY MANDAL, KURNOOL DISTRICT.
6 BALIJA RAMA MADDAIAH S/O. VENKATA SWAMY,
RAMAKRISHNAPURAM VILL, PEAPULLY MANDAL, KURNOOL

DISTRICT.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing respondents 1 to 4 to provide necessary police protection to the petitioner, his family members, and their properties situate in Ramakrishnapuram Village, Peapully Mandal, kurnool District.

Counsel for the Petitioner: MR. B.K.RAMESH BABU

Counsel for Respondents 1 to 4: GOVERNMENT PLEADER FOR HOME

Counsel for Respondents 5 and 6: Mr. C. Prakash Reddy.

The Court made the following :

ORAL ORDER:

The petitioner seeks a Writ of Mandamus directing respondents 1 to 4 to provide necessary police protection to him, his family members and their properties situated in Ramakrishnapuram village, Peapully Mandal, Kurnool District.

2. The petitioner states that he is a resident of Ramakrishnapuram village, hamlet of Jaladurgam Grampanchayat, Peapully Mandal, Kurnool District, where he is staying along with his family members in his own permanent house. It is alleged that respondents 5 and 6, who bore grudge against his family and developed enmity, made certain false and baseless allegations against him and yielding to their pressures, respondent No.4-Station House Officer, Jaladurgam police station directed him to leave the village during the election period. It is not in dispute that Crime No.16 of 2004 has been registered against the petitioner and others and it is pending investigation. He alleges that in view of the situation prevailing in the village he was unable to stay with his family and in the circumstances, the wife of the petitioner made
a representation before the Sub-Inspector of Police, Jaladurgam police station on 17.05.2004 seeking protection but there was no response. Hence this writ petition.

3. On behalf of respondent Nos.1 to 4-police officials a counter affidavit has been filed by the Sub-Inspector of Police, Jaladurgam police station stating that there was a clash between two groups in Ramakrishnapuram village on 02.04.2004 and in that connection, basing on the complaint given by the petitioner a case in Crime No.15 of 2004 under Section 324 r/w 34 IPC was registered against respondent Nos. 5 and 6. Similarly, on a complaint lodged by the fifth respondent a case in crime No.16 of 2004 was registered under Section 324 IPC against the petitioner, his son and others on 02.04.2004. After completion of investigation charge sheets were filed in the above cases and the same are pending trial vide C.C.Nos.105 and 106 of 2004 in the Court of Judicial Magistrate of First Class, Dhone, Kurnool District. It is also stated that respondent Nos.5 and 6 along with six others, and the petitioner along with five others were bound over for a period of six months for keeping good behaviour vide M.C.Nos.24 and 25 of 2004 by the Mandal Executive Magistrate, Peapully, Kurnool District. That apart on 04.04.2004, about 112 villagers of Ramakrishnapuram village met the second respondent and submitted a memorandum against the petitioner submitting that the petitioner has been harassing the villagers with his high-handed and unlawful activities. In pursuance thereof, the third respondent enquired into the same and a report was submitted to the Revenue Divisional Officer and Sub-Divisional Executive Magistrate, Kurnool recommending for externment of the petitioner from the village in view of general elections. Accordingly, vide proceedings dated 15.04.2004 issued by the Revenue Divisional Officer and Sub-Divisional Executive Magistrate, Kurnool, orders were passed for externment of the petitioner from Ramakrishnapuram village until the completion of elections i.e., up to 15.05.2004. It is further stated that after completion of said period the petitioner is residing in the village along with his family members and that there is no threat to the life of the petitioner and his family members in the hands of respondent Nos.5 and 6 as alleged by him. It is further stated that respondent Nos.2 to 4 have not received any representation requesting to provide security and protection to the petitioner and his family

members. On the other hand, number of villagers met the first respondent and made oral representation against the high-handed action and harassment of the petitioner towards them and the same was also reported in various local dailies. In view of the said fact, to avoid law and order problem, a police picket of six Police personnel was posted at the village from 16.06.2004 and the same is continuing till date.

4. The Respondents 5 and 6 also filed a separate counter-affidavit denying all the allegations made by the petitioner. It is further stated that the villagers of Ramakrishnapuram made several complaints against the high-handed behaviour of the petitioner and that there was wide telecast by the private news channels and also all leading newspapers about the atrocities perpetrated by the petitioner. They also specifically stated that respondent Nos.5 and 6 are humble and law abiding citizens and that they have no animus against the petitioner.

5. In the light of the counter-affidavit filed by respondent Nos.5 and 6 and particularly the counter affidavit filed by respondent Nos. 1 to 4, it is clear that there is no threat to the life or properties of the petitioner. It also appears that on the basis of a representation made by the residents of the village, as to the high-handed action of the petitioner and that keeping in view the situation prevailing in the village, a Police picket has been posted at the village and the same is continuing till date. It also appears that the allegation of the petitioner that he is not allowed to stay with his family members and to enter into the village is not correct, since respondent Nos.1 to 4 stated that he is very much staying in the village. It is also relevant to note that pending this Writ Petition this Court by order dated 23.06.2004 directed the respondent Nos.1 to 4 not to interfere with the petitioner staying with his family in the village pending further orders.

6. Having regard to the facts and circumstances of the case, and keeping in view the averments in the counter affidavits filed by the respondents stating that the petitioner is very much staying in the

village and there is no threat to his life, I am of the view that the matter does not deserve any adjudication on merits. Accordingly, keeping in view the plea of the respondent Nos.1 to 4-Police officials as to the law and order situation prevailing in the village, I deem it appropriate to dispose of the writ petition leaving it open to respondent Nos.1 to 4 to take appropriate action in accordance with law if it is found that either the petitioner or other residents of the village are indulging in any unlawful activities.

7. Accordingly, the writ petition is disposed of. No costs.

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(G.ROHINI, J)

Dated: 26th July, 2004.

Nsr/Ak

To

1.The Superintendent of Police, Kurnool District, Kurnool.

2.The Deputy Superintendent of Police, Dhone, Kurnool District.

3.The Circle Inspector of Police, Peapully Police Station,

Kurnool District.

4.The Station House Officer, Jaladurgam Police Station,

Kurnool District.

5.Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (O.U.T).

6.Two CD copies.